



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

FEB 18 2010

Mr. Dolan Dunn  
Chief, Planning, Environmental &  
Regulatory Division  
New Orleans District  
U.S. Army Corps of Engineers  
P.O. Box 60267  
New Orleans, LA 70160-0267

Dear Mr. Dunn:

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Draft Environmental Impact Statement (DEIS) for the Sabine-Neches Waterway Channel Improvement Project, Southeast Texas and Southwest Louisiana and the DEIS for the Sabine-Neches Waterway Channel Improvement Project, Texas Ocean Dredged Material Disposal Sites Designation.

EPA rates the DEIS as "LO", i.e., EPA has a "Lack of Objections" to the proposed action described in the DEIS. EPA has enclosed detailed comments for further consideration in the development of the Final EIS and asks that these comments be responded to in that document.

Our rating of this DEIS will be published in the Federal Register according to our responsibility under Section 309 of the Clean Air Act to inform the public of our views on proposed Federal actions. If you have any questions, please contact me at (214) 665-7451 or by e-mail at [jansky.michael@epa.gov](mailto:jansky.michael@epa.gov).

EPA appreciates the opportunity to review the DEIS. Please send our office two copies of the Final EIS when it is sent to the Office of Federal Activities, EPA (Mail Code 2252A), Ariel Rios Building, 1200 Pennsylvania Ave, N.W., Washington, D.C. 20460.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Cathy Gilmore".

Cathy Gilmore, Chief  
Office of Planning  
and Coordination 6ENXP

Enclosure

**DETAILED COMMENTS  
ON THE  
DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE  
SABINE NECHES WATERWAY CHANNEL  
IMPROVEMENT PROJECT  
SOUTHEAST TEXAS AND SOUTHWEST LOUISIANA**

The Region 6 Office of the EPA has reviewed the DEIS and Draft Feasibility Report prepared by the Galveston District of the Corps for the Sabine-Neches Waterway Channel Improvement Project. We currently have only one outstanding issue to raise which is that the Draft U.S. Fish and Wildlife Service Coordination Action Report is pending and the results of that report should be used to make any necessary adjustments to the mitigation and dredged material disposal plans for the tentatively selected plan.

Five years ago, EPA Region 6 set up a NEPA Cooperating Agency agreement with the Galveston Corps District for this project. The Corps was starting feasibility studies on a channel expansion and they knew that, in addition to options for widening and deepening, they would look at extending the channel out into the Gulf for 13-17 more miles. That distance would make it expensive to transport material to the four existing Ocean Dredged Material Disposal Sites (ODMDS) and they might propose an additional four more ODMDS's further out and along the expanded channel.

EPA Region 6 and the Galveston District Corps set up a process whereby the Corps' channel improvement DEIS (which would involve a new DMMP devised by an interagency team) would contain an appendix that would essentially be a stand alone ODMDS DEIS, including a Site Management and Monitoring Plan (SMMP). As a NEPA Cooperating Agency and a member of the Interagency Coordination Team and various sub-committees, Region 6 could direct the analyses for the ODMDS work. The thought was that if the Corps did the analyses and NEPA documentation as we instructed, the Region could then basically take a "ready to go" NEPA document prepared by the Corps, make any revisions as necessary, publish it as an EPA ODMDS DEIS (if necessary), and follow with EPA rulemaking. This could optimize project planning and public involvement, as well as making effective use of federal funding.

As a member of the interagency team, Region 6 worked for several years on the dredged material disposal plan (DMMP), beneficial use (BU) options, salinity change analyses, and wetland mitigation issues. The Region has followed the development and analysis of project alternatives. We support the project planning process that was used, which included an evaluation of non-structural alternatives and which applied the principles of Regional Sediment Management in evaluating alternatives and in developing the DMMP for the tentatively selected plan.

The tentatively recommended plan would result in an estimated 98 million cubic yards of new work dredged material and 650 million cubic yards of maintenance material over the 50-year period of analysis. Disposal of this material would be managed in accordance with the new DMMP, which is described in these documents. The DMMP includes an extensive BU plan that

would direct the use of both new work and maintenance dredged material to restore degraded marshes and to nourish Gulf shorelines.

BU features of the DMMP (Neches River and Gulf shoreline features) would minimize and offset all direct and indirect marsh impacts in Texas by creating 2,853 acres of emergent marsh vegetation, improving 871 acres of open water habitat, and nourishing 1,234 acres of existing marsh. Therefore, no compensatory mitigation is proposed to offset projected wetland impacts from the tentatively selected plan in Texas. Unavoidable losses to marshes in Louisiana are fully mitigated, according to WVA analyses, by marsh creation in the Willow Bayou and Black Bayou watersheds east of Sabine Lake. In addition to offsetting projected wetland habitat losses, the mitigation plan would compensate for the projected salinity increase and associated losses in biological function and productivity by marsh creation in the Willow and Black Bayou watersheds.

Region 6 supports the decision not to recommend the creation of a topographic high offshore of Louisiana Point as an additional mitigation measure, using new work material dredged the Sabine Bank and Extension Channels. The ecological benefits of such a feature have not been sufficiently demonstrated and, if the projected benefits were realized, they would be short-lived. Additional information would be needed to justify the associated project feature expense.

#### Additional Comments

On Page I-21, under Outdoor Recreation, the total state revenues from wildlife associated activities in Louisiana should be \$3.0 billion with sporting revenues of \$1.4 billion and wildlife watching bringing in \$1.6 billion.

EPA is concerned about salinity increases in the upper Neches and the Blue Elbow Swamp mitigation bank area and other "sensitive" freshwater wetlands along the channels that are subject to tidal influences. We recommend that even though the Corps models indicate only slight increases in salinity due to widening of the channel, that the Corps monitor salinity increases and vegetative response before, during, and after project completion. We are specifically concerned about Baldcypress/Tupelo plant communities that may be sensitive to only slight increases in salinity. EPA suggests a 10-year annual monitoring plan.

Finally, the Document appears to adequately address the potential adverse effects of the Ocean Dredged Material Disposal Sites and therefore this EIS will suffice EPA's NEPA responsibilities to use in designating the four ODMDS at a later date.

If you have any other questions about this review, please give me a call. Thank you for the opportunity to provide comments at this stage in the process.

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